

**Assembly Bill No. 625**

\_\_\_\_\_

Passed the Assembly May 18, 2009

\_\_\_\_\_  
*Chief Clerk of the Assembly*

\_\_\_\_\_

Passed the Senate August 27, 2009

\_\_\_\_\_  
*Secretary of the Senate*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 14941 of, and to add Section 14944 to, the Health and Safety Code, relating to cigarette lighters.

## LEGISLATIVE COUNSEL'S DIGEST

AB 625, Lieu. Novelty lighters.

Existing law requires the State Fire Marshal to specify standards for the design of cigarette lighters. Existing law prohibits a person from selling, offering for sale, or distributing a cigarette lighter that does not comply with those standards. A violation of these provisions is an infraction.

This bill would, in addition, prohibit a person, including a manufacturer, distributor, importer, or retailer, from selling, offering for sale, distributing, or offering for promotion an operable novelty lighter. The bill would define a novelty lighter as a mechanical or electrical device, operating on any type of fuel, that is typically used for lighting cigarettes, cigars, or pipes and that (1) is designed to appear to be a toy, (2) has entertaining audio or visual effects, or (3) resembles in physical form or function articles commonly recognized as appealing to, or intended for use by, persons under 12 years of age. The bill would exempt from these provisions a device that is (1) manufactured before January 1, 1980, (2) incapable of being fueled or lacking a means of combustion, (3) used primarily to ignite fuel for fireplaces or grills, or (4) printed or decorated with logos, labels, decals, artwork, or heat shrinkable sleeves. A violation of this prohibition would be an infraction. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 14941 of the Health and Safety Code is amended to read:

14941. As used in this part, the following terms shall have the following meanings:

(a) “Cigarette lighter” means a device used to light cigarettes, cigars, and pipes, but does not mean a match. “Cigarette lighter” includes a device, such as a watch, that may be used to light cigarettes, cigars, and pipes even though it is primarily used for other purposes. “Cigarette lighter” does not include lighters that are refillable and have a gross fueled weight of at least 35 grams.

(b) (1) “Novelty lighter” means a mechanical or electrical device, operating on any type of fuel, including butane or liquid fuel, that is typically used for lighting cigarettes, cigars, or pipes and that has any of the following characteristics:

(A) The device is designed to appear to be a toy.

(B) The device has entertaining audio or visual effects.

(C) The device resembles in physical form or function articles commonly recognized as appealing to, or intended for use by, persons under 12 years of age.

(2) The devices described in subparagraphs (A) to (C), inclusive, of paragraph (1) include, but are not limited to, devices that resemble cartoon characters, guns or other weapons, watches, musical instruments, vehicles, toy animals, cell phones, batteries, common household items, or foods or beverages, or devices that play musical notes or have flashing lights or other entertaining features.

(3) “Novelty lighter” does not include any of the following:

(A) A device manufactured before January 1, 1980.

(B) A device that is incapable of being fueled or that lacks a means of producing combustion or a flame.

(C) A device used primarily to ignite fuel for fireplaces or for charcoal or gas grills.

(D) A device printed or decorated with logos, labels, decals, artwork, or heat shrinkable sleeves.

(c) “Operate” means the ability to cause a cigarette lighter to ignite.

(d) “Special design” means a design of a cigarette lighter that results in the cigarette lighter being significantly difficult for children under five years of age to operate.

SEC. 2. Section 14944 is added to the Health and Safety Code, to read:

14944. (a) No person, including a manufacturer, distributor, importer, or retailer, shall sell, offer for sale, distribute, or offer for promotion an operable novelty lighter.

(b) The prohibition contained in subdivision (a) shall not apply to the storage of novelty lighters in a location that is closed to the public for the purpose of distributing the novelty lighters outside the state.

(c) This section shall be enforced by the State Fire Marshal, any police officer, any local code enforcement official, or any state or local official authorized to enforce the provisions of this part.

(d) A person who violates subdivision (a) is guilty of an infraction and shall be punished by a fine not to exceed five hundred dollars (\$500).

(e) This section shall not supersede any ordinance enacted by a local jurisdiction prior to January 1, 2010.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.







Approved \_\_\_\_\_, 2009

---

*Governor*